

**MINUTES**  
**UTAH**  
**PHYSICIAN'S LICENSING BOARD**  
**MEETING**

**January 9, 2008**

**Room 474 – 4<sup>th</sup> Floor –8:30 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 8:45 a.m.

**ADJOURNED:** 12:45 p.m.

**Bureau Manager:**

Diana Baker

**Secretary:**

Shirlene Kimball

**Division Director:**

F. David Stanley

**Division staff:**

Steve Davis – Chief Investigator

Karl Perry, Assistant Attorney General

**Conducting:**

George Pingree, MD Chair

**Board Members Present:**

George Pingree, MD

Lori Buhler, public member

James Fowler, MD

Elizabeth Howell, MD

Michael Giovanniello, MD

Stephen Lamb, MD

Marc Babitz, MD

John Bennion, Ph.D., public member

James Pingree, MD

Kristen Reis, MD

**Board Members Excused:**

Richard Sperry, MD

**Guests:**

Adam Frederick, U of U Family Medicine Resident

Kathy Morris, Wife of Dr. David Morris

Elizabeth Bowman, Attorney

Frank Ferguson, family member – Dr. Morris

Lucille Stoddard, family member – Dr. Morris

Michael Crookston, MD

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

December 12, 2007 Minutes:

Dr. Bennion made a Motion to approve the minutes as written. Dr. James Pingree seconded the Motion. All Board members in favor.

Agenda Review by Diana Baker:

Ms. Baker gave a brief overview of the probationers meeting with the Board.

Investigative Report – Steve Davis, Chief Investigator:

Mr. Davis indicated 392 complaints were received in 2007. 349 cases were closed and 100 cases remain open. Mr. Davis stated the discrepancy is due to a number of open cases from previous years.

Divided into two groups for interviews:  
Group 1  
Minute taker: Diana Baker:

Members present: Dr. Babitz, Dr. James Pingree, Dr. Ries and Ms. Buhler.

David Aune, MD  
Interview:

Dr. David Aune met with the Board. He turned in reports, but did not have the aftercare report. He had reminded A&D to fax the report, but it was not found. Dr. Aune was instructed to call A&D to get the report in today to be in compliance. The Board reviewed Dr. Aune's new practice plan and it appeared to be in order and similar to his previous practice plan. Dr. Aune stated in spite of some family problems and stressors, he has maintained his recovery. He stated that he is doing well. **Dr. Aune is out of compliance until the aftercare report is received.**

Philip Washburn, MD  
Interview:

Dr. Washburn was accompanied to the meeting by his office manager, Scott Pedersen. Dr. Washburn was missing the records review; however, Mr. Pedersen stated that the review was done by Dr. Chipman in December. Dr. Washburn was instructed to contact Dr. Chipman to get the report in today to be in compliance. The Board also discussed a misunderstanding regarding the submission of sequentially numbered prescription copies to the Division. Ms. Baker reported that there have been so many versions of sequentially numbered prescriptions it has been difficult to determine which ones matched with the database and whether they have been written sequentially. Mr. Pedersen had been under the assumption that the sequentially numbered prescriptions were supposed to match up to Dr. Washburn's medical records for each patient. Now that the confusion is cleared up, and now that Dr. Washburn has had specially designed prescriptions pads that meet the new Medicaid requirements, it may be easier for the Division to keep track of the

prescription copies. **Dr. Washburn is out of compliance with the terms and conditions of his probation.**

Randal Ellsworth, MD  
Interview:

Dr. Randal Ellsworth met with the Board and indicated that he continues to work in St George at the Zions Eye Institute. He is still only working part time every other week. His employer report was very positive. His PIR and AA attendance cards were submitted. However, Dr. Ellsworth stated that he gets little benefit from attending PIR and AA meetings, and is requesting to reduce attendance at PIR meetings to 2 times per month. This will be discussed with the total Board today, when the groups reconvene, and a decision will be sent to him.

Dr. Ellsworth did not have a therapist report; however, he stated that he has a very good rapport with Dr. Buchner. Dr. Ellsworth feels Dr. Buchner understands his needs and helps him with some of his mental health issues and avoidance issues. **Dr. Ellsworth is not in compliance with his Order.**

Steven Pack, MD  
Interview:

Dr. Pack was excused. He will be invited to meet with the Board next month.

Group 2  
Secretary: Shirlene Kimball

Members present: Dr. Pingree, Dr. Howell, Dr. Lamb, Dr. Giovanniello, Dr. Bennion and Dr. Fowler.

Jason Church, MD  
Interview:

Dr. Church reported he is doing well. He is working in Ogden and Dr. Allred is his supervising physician. He is current on all reports. **Dr. Church is in compliance with the terms and conditions of his Order.**

Brandon Bentz, MD  
Interview:

Dr. Giovanniello conducted the interview. Dr. Bentz stated things were going well. He indicated he has resigned from the VA Hospital because of the chaperon restriction, but continues to work at University Hospital. He submitted his chaperon reports as required and indicated he always has a chaperon present. Dr. Bentz stated he is scheduled to take the San Diego PACE program at the end of the month. Clarification is needed from the Division regarding whether or not the ethics course he took from Brenda Yamagata prior to being placed on

probation will count as meeting the professional ethics, values and law course required in the Order.  
**Dr. Bentz is in compliance with the terms and conditions of his Order.**

William Gulledge, MD  
Interview:

Dr. Gulledge could not be contacted by telephone. He will be rescheduled for next month.

Reconvened to Full Board at 10:50 a.m.:  
Probation group reports:

Dr. Philip Washburn appears to be making progress regarding his compliance. He still needs to submit sequentially numbered prescriptions. Dr. Washburn is missing the record review report and if it is not received within the next week he will be invited to meet with the Board next month. If the report comes in, he will be seen in three months.

Randal Ellsworth: Dr. Ellsworth works part time in St. George. He requested attendance at PIR and 12 Step-meetings be reduced. The report from the psychologist indicated it is more helpful to Dr. Ellsworth to work than to attend meetings. Dr. Babitz made a Motion to amend the Order to reduce the number of PIR/12-Step meetings to 2 per month. Dr. Ries seconded the Motion. All Board members in favor. Dr. Howell questioned whether or not the drug screens for Dr. Ellsworth test for Soma? Ms. Baker indicated she will check with the drug testing company.

Jason Church: Dr. Church appears to be doing well. Dr. Giovanniello made a Motion to see Dr. Church every six months instead of quarterly. Dr. Fowler seconded the Motion. All in Board members in favor.

David Morris, Request for Reinstatement of his license with full privileges:

Mr. Stanley conducted the meeting. Mr. Stanley stated he received a request to place Dr. Morris on the January agenda for consideration of reinstatement of his license with full privileges. Dr. Morris will also be scheduled to meet with the Board February 13, 2008 to discuss his concerns regarding diabetes.

Dr. Morris explained the circumstances that brought him before the Board. He stated he has little memory of what happened during a prolonged period of time due to the consequences of undiagnosed diabetes with

encephalopathy. He indicated once he was diagnosed, he was placed on insulin. However, the insulin did not appear to work for him until his wife determined he needed to increase his insulin. He stated since that time he has had the diabetes under good control. Dr. Morris stated he wants to go back to work and indicated he has an interview in Nevada with a training program in Age Management Medicine. He stated this specialty is preventative medicine for the elderly and the only controlled substance prescribed is testosterone. He indicated he will not return to the practice of anesthesiology and Age Management Medicine is not family or general practice. Dr. Morris stated the training for this specialty includes 60 hours of CME and he can not have a restricted license to take their training.

Dr. Crookston stated he does not feel Dr. Morris has or had a substance abuse problem. He indicated he thought Dr. Morris suffered from severe depression, but after reviewing all the material provided by Dr. Morris, feels it was the diabetic encephalopathy that caused the problems.

Dr. Morris stated he is horrified by what he did, feels badly that it took place, but it took place because of the encephalopathy. Dr. Morris stated he feels he has suffered at the hands of government for the last 7 years and questioned how much longer he should suffer for being sick. He stated he has been treated poorly by the Division and by other physicians who failed to properly diagnosis his condition. He stated it is difficult to accept responsibility for things he doesn't remember.

Dr. Giovanniello questioned if there were any concerns during Dr. Morris' Pain Management residency at Stanford? Dr. Giovanniello stated it is difficult to think no one recognized the encephalopathy. Dr. Morris stated he thought he did well during the residency, and stated he knew if he did not eat, he would not be affected.

Dr. Lamb stated the CPEP evaluation came back as adequate, but there were concerns in the area of primary care practice. The evaluation indicated if Dr. Morris wished to practice in primary care, he would

need to complete a residency due to the lack of practical knowledge. Dr. Morris stated he had a difference of opinion with the CPEP evaluators and he was marked down because of that difference of opinion. Dr. Lamb also stated that Dr. Morris describes himself as a victim of 19 physicians and an uncaring government. However, he needs to accept more culpability for his actions since he was found guilty of felonious activity, inappropriate prescribing and prescription splitting. Dr. Lamb also stated the information regarding diabetic encephalopathy was reviewed at the Hearing in August 2006. The Board considered his testimony at that time and an Order was issued regarding his responsibility in his actions and outlined what he needed to do to reinstate his license. He had been questioned how he did in his fellowship in 2001 and could remember he performed at an above average level, stated he retained the fundamentals. Yet the inappropriate prescribing and prescription splitting took place several years before and after the residency, but he has no memory of the time period except for the one year of the residency. Dr. Lamb stated based on those three issues, he would not vote in favor of returning the license unrestricted.

Dr. Fowler stated that if Dr. Morris had encephalopathy off and on since 1994, what caused his actions in 1977 when he was disciplined in California? Dr. Morris explained he became involved with another physician who requested he write prescriptions for Methadone.

Elizabeth Bowman summary: Ms. Bowman indicated Dr. Morris has completed the requirements outline in the Order. He has completed the SPEX examination with a score of 80; completed the CPEP evaluation although there were differences of opinion between the family practice physician evaluators and Dr. Morris. Dr. Morris has produced literature in his favor regarding diabetic encephalopathy. He has accepted responsibility for the criminal activity. He stepped forward, didn't remember, but took responsibility. His urines have been clean as reported by an outside source. Dr. Crookston and Dr. Schenkenberg have completed evaluations and reported in his favor. Ms. Bowman stated she does not see any evidence that Dr. Morris is unfit to

practice.

Karl Perry summary: Mr. Perry stated he is concerned with Dr. Morris' history that includes two incidences with two different state licensing boards; improper use of medications; improper prescribing of medications and prescription splitting. At the time of his Hearing, his defense was the diabetic encephalopathy. His license was sanctioned. Now, he would like the Board to accept he is better and should not be sanctioned. The Board and the Division have liability for protecting the public. Mr. Perry stated the Division would be willing to return the license on probation for a specified period of time with terms and conditions to make sure the Division is comfortable Dr. Morris is safe to practice.

Mr. Stanley summary: Mr. Stanley indicated the Division is willing to return the license on probation. The Division would like to see Dr. Morris succeed. However, the Division can not return the license unencumbered but is willing to work out terms and conditions of probation.

Ms. Bowman requested feed back from the Board. Dr. Giovanniello stated the Board reviews the data, including the medical data and court action and makes a determination whether or not to place an individual on a reasonable probation. Dr. Fowler stated the Board is charged with protecting the public. A period of probation would demonstrate Dr. Morris has tight control of the diabetes and provide documentation there is no ongoing encephalopathy. Dr. Ries stated Dr. Morris would need to submit a practice plan, use triplicate prescriptions, and be under close supervision. Dr. Morris stated he has no objection of having the Board monitor his prescriptions or providing the Board with information on his management of diabetes; but wants to be in a position where he can work and demonstrate that all is well. Dr. Babitz stated the role of Board is not to change the requirements to help him get a job. He needs to be monitored. Sixty hours of CME does not make a specialty. Dr. Babitz stated he is concerned on how Dr. Morris could remember he completed the training successfully, but then state he had memory loss before and after the training. There are questions about his

ability to practice as a physician.

Karl Perry and Ms Bowman will continue to work on terms and conditions of a probationary license.

Request from Steven Yearsley:

Dr. Yearsley has completed two years of the three year probation. He has done very well on probation and is currently practicing in Nevada. He finished the PACE course and is in compliance with the terms and conditions of his Order. Dr. Ries made a Motion to terminate the probation. Dr. Babitz seconded the Motion. All Board members in favor

**NEW BUSINESS:**

Applications approved by the Division:

Patrick McLaughlin, MD  
Jenarah Tekippe, MD  
Smitha Warriar, MD  
Anne Zink, MD  
Neda Jones, MD  
Sandra Lawrynnowicz, MD  
Cesar Briganti, MD  
Katherine Gallagher, MD  
Robert Laciak, MD  
Lim Tobin, MD  
Ellen Gallant, MD  
Ubaid Zafar, MD  
Barr Petersen, MD  
Patrick Martin, MD  
Matthew Ashton, MD  
Kevin Walker, MD  
Steven Daines, MD  
Colby Harrison, MD  
Cory Bates, MD  
Michele Bennett, MD  
Merium Saidi, MD  
Venkatesh Rudrapatna, MD  
David Marmaduke, MD  
Julia Gunther, MD  
Reza Khodaverdian, MD  
Merle Keller, MD  
Jeb Justice, MD  
Chandler Wells, MD  
Elizabeth Kelly, MD  
Travis Lajoie, MD  
Shayne Palmer, MD  
Elizabeth Justice, MD



Alexander Schabel, MD  
Timothy Spiegel, MD  
Jesal Patel, MD  
Meghan Edwards, MD  
Farman Khan, MD  
Cheryl Pirozzi, MD  
Kamlesh Kurre, MD  
Ramin Eskandari, MD  
Michael Beck, MD  
Kelli Hyland, MD  
Burke Hatch, MD  
Jason Hadley, MD  
Jeffrey Macievic, MD  
David Kirch, MD  
Ben Chortkoff, MD  
Nathan Meltzer, MD  
Hillary Moore, MD  
Joshua Sonkiss, MD  
Luke Huerter, MD  
Karly Pippitt, MD

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

February 14, 2008  
Date Approved

(ss) George Pingree, MD  
George Pingree, MD Chair Physicians Licensing Board

February 14, 2008  
Date Approved

(ss) Noel Taxin  
Noel Taxin/Diana Baker, Bureau Managers, Division of  
Occupational & Professional Licensing